

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

PHILIPS LIGHTING NORTH AMERICA
CORPORATION and PHILIPS LIGHTING
HOLDING B.V.

Plaintiffs,

vs.

HOWARD INDUSTRIES, INC. (d/b/a
HOWARD LIGHTING),

Defendant.

Civil Action No. 2:18-cv-12-KS-MTP

**JOINT STIPULATION OF WITHDRAWAL OF
PHILIPS LIGHTING NORTH AMERICA CORPORATION
AS PLAINTIFF IN THIS ACTION, AND OF THE CLAIMS AND
COUNTERCLAIMS REGARDING U.S. PATENT 6,250,774**

WHEREAS Plaintiffs Philips Lighting North America Corporation and Philips Lighting Holding B.V. (“Philips Lighting”) filed a Complaint [Dkt. 1] (“Complaint”) against Defendant Howard Industries, Inc. (d/b/a Howard Lighting) (“Howard”) on January 23, 2018 alleging infringement of five U.S. patents, Patent 7,262,559, Patent 6,577,512, Patent 6,586,890, Patent 8,063,577, and Patent No. 6,250,774;

WHEREAS Paragraphs 185-201 of the Complaint allege infringement against Howard relating to U.S. Patent No. 6,250,774 (“the ’774 Patent”);

WHEREAS Philips Lighting North America Corporation states that it is the current assignee of the ’774 Patent, and Philips Lighting Holding B.V. states that it is the current assignee of the other four Patents-in-Suit;

WHEREAS Howard filed an Amended Answer on April 24, 2018 [Dkt. 19] asserting a counterclaim for a Declaration of Invalidity of the ’774 Patent and a counterclaim for a Declaration of Non-Infringement of the ’774 Patent;

WHEREAS Howard filed a Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) [Dkt. 27] regarding the '774 Patent;

WHEREAS Philips Lighting disputes the contentions in Howard's Motion;

WHEREAS Philips Lighting North America Corporation states that, solely in an effort to streamline the issues in the case and without acquiescing in any way to Howard's Motion, Philips Lighting North America Corporation no longer asserts its infringement claims against Howard regarding the '774 Patent;

WHEREAS Philips Lighting North America Corporation no longer asserts any cause of action in the above-captioned case against Howard;

WHEREAS, in view of Philips Lighting North America Corporation's withdrawal of its assertions of infringement regarding the '774 Patent, Howard no longer asserts (1) its counterclaims regarding the '774 Patent against Philips Lighting or (2) its Motion for Judgment on the Pleadings; and

WHEREAS, all other claims and counterclaims between Philips Lighting Holding B.V. and Howard regarding U.S. Patent 7,262,559, U.S. Patent 6,577,512, U.S. Patent 6,586,890, and U.S. Patent 8,063,577, will remain fully at issue in the above-captioned action.

IT IS HEREBY STIPULATED AND AGREED as follows:

1. Plaintiff Philips Lighting North America Corporation withdraws its allegations of infringement of the '774 Patent (paragraphs 185-201 of the Complaint [Dkt. 1]) against Howard with prejudice;

2. Plaintiff Philips Lighting North America Corporation withdraws itself as a Plaintiff in this action;

3. Howard withdraws all of its counterclaims with prejudice regarding the '774 Patent (paragraphs 32-37 and 57-61 of the Amended Counterclaims [Dkt. 19]) and its corresponding defenses regarding the '774 Patent;

4. Howard withdraws its Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) [Dkt. 27]; and

5. All other claims and counterclaims between Philips Lighting Holding B.V. and Howard regarding U.S. Patent 7,262,559, U.S. Patent 6,577,512, U.S. Patent 6,586,890, and U.S. Patent 8,063,577 remain fully at issue in the above-captioned action.

Dated: May 22, 2018

Respectfully submitted,

By: /s/ J. Stephen Kennedy

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Dated: May 22, 2018

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing *JOINT STIPULATION OF WITHDRAWAL OF PHILIPS LIGHTING NORTH AMERICA CORPORATION AS PLAINTIFF IN THIS ACTION, AND OF THE CLAIMS AND COUNTERCLAIMS REGARDING U.S. PATENT 6,250,774* with the Clerk of the Court using the ECF system which sent notification of such filing to counsel of record.

Dated: May 22, 2018

By: /s/ J. Stephen Kennedy
J. STEPHEN KENNEDY